

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
NEWARK DIVISION**

<b>IN RE: PROTON-PUMP INHIBITOR PRODUCTS LIABILITY LITIGATION (NO. II)</b>  This Document Relates to: ALL ACTIONS	<b>2:17-md-2789 (CCC)(MF) (MDL 2789)</b>  <b>SEPTEMBER 21, 2018 STATUS CONFERENCE JOINT STATUS REPORT AND PROPOSED AGENDA</b>
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Pursuant to Case Management Order No. 23 (Dkt. No. 253), the parties hereby submit their Joint Status Report and Proposed Agenda in advance of the September 21, 2018 Status Conference.

**I. STATUS REPORT**

Since the last status conference, the parties have submitted and the Court has entered Case Management Order: No. 23 (on the July 24, 2018 Status Conference and rescheduling the September 7, 2018 in-person status conference for September 21, 2018) and Case Management Orders Nos. 21-22 (Scheduling Order and Defense Fact Sheet).

Following the last Case Management Conference, the parties have conferred on numerous topics including: 30(b)(6) depositions, non-custodial document productions, discovery requests, and privilege logs. The parties also have conferred on Plaintiff Fact Sheets and alleged deficiencies, as well as certain aspects of CMO 7 regarding master pleadings that Defendants seek to amend. If necessary, will be prepared to discuss the status of all of these discussions at the next conference.

At the time of this filing, approximately 2422 potentially related actions with 2453 plaintiffs are pending in federal court.

Currently, approximately 92 potentially related state court actions with 92 plaintiffs are pending in the Delaware Superior Court, New Castle County, before Judge John A. Parkins, and one related state court action with 3 plaintiffs is pending in the Missouri Circuit Court, Twenty-Second Judicial Circuit (City of St. Louis) before Judge Michael K. Mullen. There is a single plaintiff appellate case pending before the Ninth Circuit Court of Appeals. (*Bekins v. AstraZeneca Pharmaceuticals LP, et al.*, No.16-02732 (S.D. Cal. Mar. 7, 2017), *appeal docketed*, No. 17-55461 (9th Cir. Apr. 5, 2017)). This appeal was decided on August 14, 2018 in Plaintiff's favor.

Approximately 89 potentially related state court cases involving approximately 277 plaintiffs have been dismissed, or are in the process of being dismissed, as part of the Tolling Agreement.

## **II. PROPOSED AGENDA FOR SEPTEMBER 21, 2018 STATUS CONFERENCE**

The Parties have met and conferred and propose the following Agenda:

- Entry of an Order Amending Certain Provisions Related to CMO 7 (Master Pleadings, Direct Filing and Short Form Complaints/Answers) and CMO 9 (Plaintiff Fact Sheet);
- Scheduling of 30(b)(6) Depositions on Government Affairs;
- Status of Merck Discovery;
- AstraZeneca's Representations to Certain Plaintiffs' Counsel That Prilosec OTC is Not an AstraZeneca Product; and
- Report from the parties regarding *Lexecon* waiver.

## **III. TELEPHONIC MONITORING OF THE CASE MANAGEMENT CONFERENCE**

As instructed by the Court, counsel has arranged for a telephonic conference line so interested attorneys can monitor the proceedings. Dial-in information is as follows:

Dial In: 800-747-5150

Access Code: 1875000

Chairperson Code: 1602 (To be utilized by the Court only)

Note that the status conference is scheduled to begin at 1:30 p.m. eastern.

Dated: September 18, 2018